

NO. 448

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

December 4, 2003

MINUTES

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL COUNCIL. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.**

The Regional Council of the Southern California Association of Governments held its meeting at the SCAG Offices downtown Los Angeles. The meeting was called to order by the President, Councilmember Bev Perry, City of Brea. There was a quorum.

**Members Present**

Councilmember Bev Perry, Brea, President	District 22
Councilmember Ron Roberts, Temecula, 1 <sup>st</sup> VP	District 5
Supervisor Hank Kuiper, Imperial County, 2 <sup>nd</sup> VP	
Supervisor Judy Mikels, Ventura County	
Councilmember Charles White, Moreno	District 3
Mayor Ron Loveridge, Riverside	District 4
Mayor Lee Ann Garcia, Grand Terrace	District 6
Councilmember Deborah Robertson, Rialto	District 8
Mayor Bill Alexander, Rancho Cucamonga	District 9
Mayor Gary Ovitt, Ontario	District 10
Mayor Lawrence Dale, Barstow	District 11
Mayor Richard Dixon, Lake Forest	District 13
Councilmember Tod Ridgeway, Newport Beach	District 14
Councilmember Lou Bone, Tustin	District 17
Councilmember Alta Duke, La Palma	District 18
Councilmember Ron Bates, Los Alamitos	District 20
Councilmember Art Brown, Buena Park	District 21
Councilmember Paul Bowlen, Cerritos	District 23
Councilmember Gene Daniels, Paramount	District 24
Councilmember Keith McCarthy, Downey	District 25
Councilmember Frank Gurule, Cudahy	District 27
Councilmember Bonnie Lowenthal, Long Beach	District 29
Councilmember Tonia Reyes-Uranga, Long Beach	District 30
Mayor Pro Tem Bea Proo, Pico Rivera	District 31
Councilmember Margaret Clark, Rosemead	District 32
Councilmember Dick Stanford, Azusa	District 33

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### **Members Present – Cont'd**

Councilmember Paul Talbot, Alhambra	District 34
Councilmember Harry Baldwin, San Gabriel	District 35
Councilmember Sid Tyler, Pasadena	District 36
Councilmember Tom Sykes, Walnut	District 37
Councilmember Paul Nowatka, Torrance	District 39
Mayor Pro Tem Sandra Jacobs, El Segundo	District 40
Councilmember Dennis Washburn, Calabasas	District 44
Vice Mayor Toni Young, Port Hueneme	District 45
Councilmember Glen Becerra, Simi Valley	District 46
Councilmember Debbie Cook, Huntington Beach	District 64
Councilmember Ted Burgnon, Town of Apple Valley	District 65
Councilmember Robin Lowe, Hemet	RCTC

### **Members Not Present**

Supervisor Marion Ashley, Riverside County	
Supervisor Yvonne Burke, LA County	
Supervisor Chirs Norby, Orange County	
Supervisor Zev Yaroslavsky, LA County	
Councilmember Jo Shields, Brawley	District 1
Councilmember Greg Pettis, Cathedral City	District 2
Councilmember Susan Longville, San Bernardino	District 7
Councilmember Gary Ovitt, Ontario	District 10
Councilmember Cathryn De Young, Laguna Niguel	District 12
Councilmember Richard Chavez, Anaheim	District 19
Councilmember Melanie Andrews, Compton	District 26
Councilmember Judy Dunlap, Inglewood	District 28
Councilmember Llewellyn Miller, Claremont	District 38
Councilmember Pam O'Connor, Santa Monica	District 41
Councilmember Bob Yousefian, Glendale	District 42
Councilmember Mike Dispenza, Palmdale	District 43
Councilmember Carl Morehouse, San Buenaventura	District 47
Councilmember Ed Reyes, Los Angeles	District 48
Councilmember Wendy Greuel, Los Angeles	District 49
Councilmember Dennis Zine, Los Angeles	District 50
Councilmember Tom LaBonge, Los Angeles	District 51
Councilmember Jack Weiss, Los Angeles	District 52
Councilmember Tony Cardenas, Los Angeles	District 53
Councilmember Alex Padilla, Los Angeles	District 54
Councilmember Bernard Parks, Los Angeles	District 55
Councilmember Jan Perry, Los Angeles	District 56
Councilmember Nate Holden, Los Angeles	District 57

Councilmember Cindy Miscikowski, Los Angeles  
Councilmember Greig Smith, Los Angeles  
Councilmember Eric Garcetti, Los Angeles  
Councilmember Antonio Villariagosa, Los Angeles  
Councilmember Jeff Miller, Corona  
Councilmember Janice Hahn, Los Angeles  
Mayor James Hahn, Los Angeles  
Mayor Bill Davis, Simi Valley

District 58  
District 59  
District 60  
District 61  
District 63  
District 62  
At-Large  
VCTC

**Staff Present**

Mark Pisano, Executive Director  
Jim Gosnell, Deputy Executive Director  
Bert Becker, Chief Financial Officer  
Colin Lennard, General Counsel  
Karen Tachiki, Chief Counsel  
Hasan Ikrata, Director, Planning & Policy  
Jim Sims, Director, Information Services  
Shelia Stewart, Executive Assistant

**1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Led by Councilmember Art Brown, City of Buena Park

**2.0 PUBLIC COMMENT PERIOD**

There were no comments presented at this time.

**3.1 Approval Items**

The following consent calendar items was MOVED (Mikels),  
SECONDED (Kuiper) and UNANIMOUSLY APPROVED:

3.1.1 Approve Minutes of Nov. 6, 2003

3.1.2 Approval of Contracts

- Kaku Associates, Inc.
- Leachman & Associates
- SAP Public Services, Inc
- Thomas Brothers
- Avaya Financial Services

3.1.3 Approve Resolution 03-448-2 for a Certificate of Consent to Self Insure  
Workers' Compensation Liabilities

3.1.4 Approve Resolution 03-448-3 Amending SCAG's Health Care Reimbursement Plan

**3.2 Receive & File**

3.2.1 Conflict of Interest - (Info Only)

3.2.2 Contracts & PO between \$5,000 - \$25,000

3.2.3 Summary of Key Issues and Actions taken by the Policy Committees in November

**3.3 PRESIDENT'S REPORT**

3.3.1 Appointments

Hon Marion Asley, Riverside County to the Aviation Task Force  
Hon Paul Nowatka, Torrance to the Benchmarks Task Force

**3.3 EXECUTIVE DIRECTOR'S REPORT**

Mark Pisano stated that his report was emailed and distributed to members. An oral report was not presented due to the time. However Mr. Pisano did give a brief overview regarding the Conformity issue that the region is currently facing. He stated that he would keep the Regional Council informed of accomplishments or changes in this area. He offered to address any concerns or questions, if any, after the meeting.

**3.4 2004 STATE & FEDERAL LEGISLATIVE PROGRAM**

The 2004 Legislative Program articulates the legislative agenda of the Southern California Association of Governments (SCAG) and guides SCAG's legislative activities. As in previous legislative programs, the 2004 Legislative Program describes SCAG's advocacy priorities in the areas of transportation, housing, and the environment. It also outlines the issues that SCAG legislative staff will monitor for legislative or regulatory changes. The 2004 Legislative Program also describes the issues SCAG is developing at the request of the Regional Council. In a change from past programs, the 2004 Legislative Program contains an expanded section on legislative highlights from the past year and includes attachments of explanatory materials.

The EEC, CEHD & TCC reviewed the Legislative Program. The EEC noted one amendment with comments.

Under the Energy Section on page 34, the last bullet should include: Neighboring states along with the Mexican side of the US/Mexico Border. The EEC agreed that SCAG should be encouraging the installation and maintenance of CA best available Control Technologies to all borders that impact the region. It was also strongly felt that under Local Finance, page 33 the first bullet relating to the League of CA Cities Initiative should remain and be emphasized. In addition the committee also discussed the TEA 3 Consensus Program and felt that it should be updated to be a 2004 Program.

The CEHD also approved the Legislative Program with one amendment, noting that the Local Finance Section on page 33 should be eliminated, because SCAG has not historically been at the forefront on these issues.

After a lengthy discussion, it was MOVED (Stanford), and SECONDED (Bates) to approve the following amendments: 1) Eliminate the second bullet under Development (*examine the issue of gaming fees and develop a local policy position*); 2) Leave the “and gaming fees” under the section of Monitoring; 3) Add Monitor CALCOG, League of California Cities, CSAC and other appropriate organizations; 4) The EEC’s recommendation to include Neighboring States along with the Mexican side of the US/Mexico Border; and 5) Encouraging the installation and maintenance of Best Available Control Technologies to all borders that impact our region.

Supervisor Mikels directed staff to agendize discussion of the League of Cities and the CSAC Initiatives at the appropriate policy committee for purposes of taking a position.

There were no objections the recommendations were UNANIMOUSLY APPROVED.

## **4.0 ACTION ITEMS**

### **4.1 Administration Committee Report**

#### **4.1.1 Annual Financial Statements Single Audit & Management Letter for FY 2003**

It was MOVED (Dixon), SECONDED and UNANIMOUSLY APPROVED to receive & file the report.

#### **4.1.2 Audit/Best Practices Subcommittee Charter**

The Audit and Best Practices was established to assist the Regional Council in fulfilling its oversight responsibilities for SCAG’s

financial reporting, internal controls, annual external audit, and compliance with all applicable laws and regulations.

The Administration Committee reviewed the Charter and recommended one word change on page 83 under Internal Audit, the last bullet, last line corrected “the Subcommittee or Internal Auditor.”

It was MOVED (Dixon), SECONDED (Tyler) and UNANIMOUSLY APPROVED to approve the Charter.

#### 4.1.3 2004-2005 Overall Work Program (OWP) Priorities

Each year SCAG evaluates the type of work requirements that must be completed in the Overall Work Program (OWP) in the following fiscal year. Requirements include action items for the RTP, RTIP, Data, Modeling, and federal and state regulations including MPO requirements.

These work items are reviewed by the Regional Council and priorities are developed and adopted. The list of priorities that were adopted for this fiscal year is attached. Staff believes these priority recommendations still address the major issues of the region.

It was MOVED (Dixon), SECONDED (Brown) and UNANIMOUSLY APPROVED to approve the OWP Priorities.

#### 4.2 Transportation & Communications Committee (TCC) Report

##### 4.2.1 Operation Jump-Start and the 2004 RTP

It was MOVED (Lowe), SECONDED (Mikels) and UNANIMOUSLY APPROVED to approve dissociating “Operation Jump-Start” from the development of the 2004 RTP and direct staff to continue evaluating a process for facilitating the implementation of qualifying Plan projects.

#### 4.3 Energy & Environment Committee (EEC) Report

##### 4.3.1 Draft 2004 RTP Environmental Impact Report (EIR)

The California Environmental Quality Act requires SCAG to prepare and circulate an Environmental Impact Report (EIR) for the 2004 Regional Transportation Plan. The EIR must identify the probable significant environmental effects of implementing the projects, programs, and policies included in the Plan. It is important to note that the baseline for determining *significance* in CEQA is current

conditions. Furthermore, the EIR must evaluate a reasonable range of alternatives to the Plan that reduce environmental effects and must also include mitigation measures designed to minimize significant effects. The 2004 RTP Program EIR will fulfill these requirements and will provide a regional-scale, programmatic, environmental planning tool that will offer useful analysis for subsequent, site-specific analysis, and will ultimately help the Region minimize adverse environmental effects. It will also provide a framework for updating various chapters of the Regional Comprehensive Plan and Guide.

The Draft 2004 RTP EIR was reviewed by the appropriate Committees and it was recommended that the Draft EIR be released for public review and comments

It was MOVED (Kuiper) SECONDED (Robertson) and UNANIMOUSLY APPROVED to release the draft 2004 Program Environmental Impact Report (EIR) for the Regional Transportation Plan (RTP) and conduct the public review and comment process.

4.3.2 Support for Imperial County re: Ninth Circuit Court of Appeals Ruling

It was reported that on October 9, 2003 the 9<sup>th</sup> U.S. Circuit Court of Appeals ruled that the U.S. EPA had erred in its finding that Imperial County would attain the PM10 standards “but for emissions emanating outside of the U.S” and reclassified Imperial County as a “serious” non-attainment area, a more severe designation than its current status as a “moderate” PM10 non-attainment area.

It was recommended that the Regional Council submit a letter to U.S. EPA Region 9, supporting an air quality partnership between SCAG, Imperial County, USEPA and CARB to identify and implement solutions to the unique constraints faced by Imperial County.

It was MOVED (Kuiper).SECONDED (Roberts) and UNANIMOUSLY APPROVED to approve the submitting a letter to the U.S. EPA.

4.4 Community, Economic & Human Development (CEHD) Report

No Report

4.5 Communication Task Force Report

No Report.

## **5.0 INFORMATION ITEMS**

### **5.1 Monthly Financial Report**

Bert Becker stated that SCAG received a draft of the FTA FMO audit with only two minor changes currently being corrected. He stated that it was a very clean audit, when it's completed, it will be brought to committee for review.

Mr. Becker also informed the RC that SCAG is currently debt free with regard to it's Line of Credit. What this means is SCAG is utilizing the Line of Credit less and paying it off quicker. With that in mind there is a good chance that the bank will go to a 60-day payment rate

## **6.0 FUTURE AGENDA ITEMS**

## **7.0 LEGAL COUNSEL REPORT**

### **7.1 Closed Session**

There was nothing to report at this time

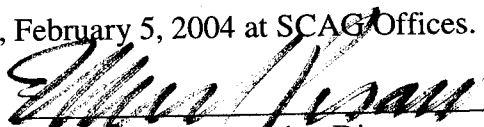
- Morrison Claim  
Conference with Legal Counsel – anticipated litigation  
Significant exposure to litigation pursuant to California Government Code Subdivision C §54956.9
- HDR Appeal  
Conference with Legal Counsel – anticipated litigation  
Significant exposure to litigation pursuant to California Government Code Subdivision C §54956.9 (one potential case)
- SCAG v. HCD & BT&H  
Conference with Legal Counsel - existing litigation to be heard in closed session in pursuant to California Government Code Section §54956.9(a)

## **9.0 ANNOUNCEMENTS**

There were no announcements.

## **10.0 ADJOURNMENT**

The next meeting is scheduled for Thursday, February 5, 2004 at SCAG Offices.

  
Mark Pisano, Executive Director